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7 Attorneys for Defendants
8 NAVIGATORS SPECIALTY INSURANCE COMPANY and
THE NAVIGATORS GROUP, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

12 DOUBLEVISION ENTERTAINMENT, LLC,
13 a Tennessee limited liability company, as
14 assignee of Commercial Escrow Services, Inc.,
a California corporation, and Antoinette
Hardstone, an individual,

Case No.

**NOTICE OF REMOVAL OF
CIVIL ACTION**

15 Plaintiff,

16 | v.

17 NAVIGATORS SPECIALTY INSURANCE
18 COMPANY; a New York corporation; THE
19 NAVIGATORS GROUP, INC., a New York
corporation; and DOES 1 through 50,
inclusive.

Defendants.

1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
2 DISTRICT OF CALIFORNIA:

3 Please take notice that defendant NAVIGATORS SPECIALTY INSURANCE COMPANY
4 and THE NAVIGATORS GROUP, INC. (referred to herein singularly as "Navigators"), hereby
5 removes this pending action from the Superior Court for the County of Contra Costa to the United
6 States District Court for the Northern District of California, as follows:

7 **INTRODUCTION**

8 1. On May 19, 2014, Plaintiff DOUBLEVISION ENTERTAINMENT, LLC (referred to
9 herein as "Plaintiff" or "Doublevision") filed, in the Superior Court of California for the County of
10 Contra Costa, a Summons and Complaint, which were assigned case No. MSC14-00976 (the "State
11 Court Action").

12 2. Pursuant to 28 U.S.C. § 1446(d), Navigators is filing this Notice of Removal with this
13 Court, serving a copy of upon Plaintiff's counsel and filing a copy in the Superior Court of California
14 for the County of Contra Costa.

15 **THIS COURT HAS DIVERSITY JURISDICTION
16 BASED UPON 28 U.S.C. SECTIONS 1332 AND 1441**

17 3. This is a civil action over which this Court has original jurisdiction pursuant to 28
18 U.S.C. §1332 based on the diversity of citizenship between the parties. Pursuant to 28 U.S.C. § 1441,
19 this case may be removed by Navigators in that it is a civil action in which the amount in controversy
20 exceeds the sum or value of \$75,000, exclusive of interests and costs, and there is complete diversity
21 of citizenship between plaintiff and all defendants.

22 4. As set forth below, this action satisfies all requirements for federal jurisdiction under
23 28 U.S.C § 1332(a).

24 5. True and correct copies of the Summons, Complaint, Answer and all other papers filed
25 in the State Court Action are attached as Exhibit A. *See* 28 U.S.C. § 1446(a).

26 6. This Notice of Removal is timely filed in compliance with 28 U.S.C. §1446, because it
27 is filed within thirty days after the receipt by Navigators of a copy of the initial pleading setting forth
28

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1 the claim for relief upon which such action or proceeding is based. Navigators was served with the
 2 summons and complaint on May 21, 2014.

3 7. Doublevision was, at all relevant times, a limited liability company organized under the
 4 laws of the State of Tennessee. *See* Plaintiff's Complaint at Exhibit A. At all relevant times,
 5 Doublevision was managed by two members, Two Horns Entertainment Group ("Two Horns") and
 6 Envision Advisory Group LLC ("Envision"), both citizens of the State of Tennessee.¹ Therefore, for
 7 purposes of diversity jurisdiction, Doublevision is citizen of the State of Tennessee.

8 8. Navigators are, and were, at all relevant times, corporations organized and existing
 9 under the laws of the State of New York, with their principal place of business in the State of New
 10 York; therefore, for purposes of diversity jurisdiction, Navigators are citizen of the State of New
 11 York.

12 9. The defendants identified in the complaint as Does1 through 50 are merely fictitious
 13 parties against whom no valid claim can be alleged. Navigators has no basis on which to believe that
 14 any of the fictitiously named defendants have been served with the Complaint. Pursuant to 28 U.S.C
 15 §1441(a), the citizenship of the defendants sued under fictitious names shall be disregarded.

16 10. Complete diversity of citizenship exists in that Doublevision is a citizen of the State of
 17 Tennessee and Defendant Navigators are citizen of the State of New York.

18 11. Plaintiff seeks damages in the sum of at least \$1,500,000. *See* Plaintiff's Complaint at
 19 Exhibit A. The allegations set forth in this matter, therefore, exceed the minimum jurisdictional
 20 amount in controversy for removal of \$75,000 under 28 U.S.C. §1332(b).

21 12. In light of the foregoing, this Court has original jurisdiction over this matter and the
 22 State Court Action may be removed to this Court pursuant to 28 U.S.C. §§ 1332 and 1441(a).

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27 ¹ It is Navigators' understanding that Commercial Escrow Services and Antoinette Hardstone are not plaintiffs in this
 28 action, but regardless, this issue has no impact on the existence of diversity jurisdiction, as both Commercial Escrow
 Services and Ms. Hardstone are citizens of California. *See* Plaintiff's Complaint at ¶¶ 2, 3.

CONCLUSION

WHEREFORE, defendant Navigators prays that the above-entitled State Court Action be removed to this Court pursuant to 28 U.S.C. §§ 1332 and 1441 and respectfully request that this Court assume full jurisdiction over this action as if Plaintiff had originally filed it in this Court.

Dated: June 20, 2014

CLYDE & CO US LLP

By:

David A. Gabianelli
Eric A. Moon

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Carolyne A. Sanin

Attorneys for Defendant

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INC.

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DECLARATION OF DAVID A. GABIANELLI

I, DAVID A. GABIANELLI, declare as follows:

3 1. I am an attorney licensed to practice before all state courts and all federal courts,
4 including the Northern District, located in the State of California, and I am a partner of the law firm of
5 Clyde & Co (US) LLP. I represent Navigators Specialty Insurance Company and The Navigators
6 Group, Inc. in this action. The matters set forth below are within my personal knowledge, and if
7 called upon as a witness, I could and would testify competently thereto.

8 2. Attached hereto as Exhibit A is a true and correct copy of the Summons, Complaint,
9 Answer, and all other papers filed in the State Court Action styled as Doublevision Entertainment,
10 LLC v. Navigators Specialty Insurance Company, et al. Case No. MSC14-00976, in the Superior
11 Court of the State of California, County of Contra Costa.

12 I declare under penalty of perjury under the laws of the United States of America and the laws
13 of the State of California that the foregoing is true and correct. Executed on this 20th day of June,
14 2014, in San Francisco, California. 

David Gabianelli
DAVID A. GABIANELLI

DAVID A. GABIANELLI

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CERTIFICATE OF SERVICE
Doublevision v. Navigators, et al.

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Francisco, State of California. My business address is 101 Second Street, 24th Floor, San Francisco, CA 94105. On June 20, 2014, I served true copies of the following document(s) described as **NOTICE OF REMOVAL OF CIVIL ACTION** on the interested parties in this action as follows:

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Luke D. Lieberman, Esq.
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BY FEDEX: I enclosed said document(s) in an envelope or package provided by FedEx and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver authorized by FedEx to receive documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on June 20, 2014, at San Francisco, California.

Sonia Estera

Patrick Postolka